

COMMITTEE AMENDMENT FORM

DATE: 08/01/07

COMMITTEE ZONING

PAGE NUM. (S)

ORDINANCE I. D. #07-O-1122

SECTION (S)

RESOLUTION I. D. #07-R-

PARA.

AMENDS THE LEGISLATION BY ADDING ELEVEN (11) CONDITIONS OF WHICH ONE IS A SITE PLAN MARKED RECEIVED BY THE BUREAU OF PLANNING 7/10/07.

AMENDMENT DONE BY COUNCIL STAFF 08/01/07

City Council
Atlanta, Georgia

07-O-1122

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

Z-07-56
Date Filed: 5-7-07

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **2520 and 2544 Peachtree Road, N.E.**, be changed from the RG-3 (Residential General-Sector 3) District to the RG-4-C (Residential General-Sector 4-Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying and being Land Lot 112, 17th District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

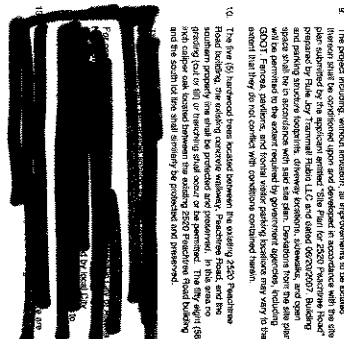
SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

CONDITIONS FOR Z-07-56 for 2520 and 2544 Peachtree Road, N.E.

1. A site plan entitled "2520 Peachtree Road" by Rule Joy Trammell Rubio, LLC, dated June 20, 2007, and last revised on July 5, 2007 and marked received by the Bureau of Planning on July 10, 2007.
2. A minimum seven (7) foot wide landscape strip shall be provided along the northern property line and planted with trees and hedges. Trees shall be spaced a maximum distance of twenty-five (25) feet on-center and as approved by the City Arborist. All newly planted trees shall be a minimum of three inches in caliper measured thirty-six (36) inches above ground, shall be a minimum of twelve (12) feet in height, and shall have a minimum mature height of thirty (30) feet. Said landscape strip shall be equipped with a functional irrigation system with capacity sufficient to service the tree buffer contained within it which buffer shall be maintained in perpetuity. Any trees within said strip that die or are killed shall be replaced. In addition, hedges shall be planted to provide additional screening from and to the adjacent townhouses to the north. They shall be of a broadleaf evergreen species, including but not limited to, burford holly or waxleaf ligustrum. All trees currently existing on said seven (7) foot wide landscape strip and on the neighboring property to the north of the strip shall be fully protected and incorporated into the current site and landscaping plans. All existing trees as referenced in this paragraph 1 and as referenced in paragraph 10 hereinafter shall be shielded with protective chain link fence barriers constructed with diameters and other specifications as required by the City Arborist and applicable ordinances. Said protective barriers will remain in place during the entire construction process.
3. Parking between the building to be erected on the site and the street (Peachtree) shall be limited to a maximum number of three short-term parking spaces. They shall be screened from the street with evergreen shrubs or hedges having a minimum height of thirty (30) inches at planting. Parking within the drip line and root zones shall only be constructed after a certified Georgia arborist has prepared a report assessing the impact of the proposed parking approach on said trees, and after said report and approach have been distributed to the Peachtree Heights West Civic Association, and after said civic association has provided the developer with written approval of the proposed approach. If written approval is not granted parking shall not be located within the drip line and root zones.
4. Other than as established in condition #2 above for short-term use, all guest parking shall be provided within a parking deck.
5. The area between the terrace garden and the rear (western) lot line shall be landscaped and not utilized for parking, loading, or other vehicular uses, except for a portion of the driveway that falls entirely within the side yard setback.
6. The terrace garden shall not be utilized for parking, loading, or other vehicular uses.
7. No building shall be built within one hundred and ten (110) feet of the rear (western) lot line other than pavilions or gazebos having a maximum height of twenty-four (24)

feet. No site plan amendment will be sought to allow the building of any structure (other than as set out in this paragraph 6) within one hundred ten (110) feet of the rear (western) lot line.

8. No construction staging or construction-related vehicle parking shall occur along Peachtree Road, Muscogee Avenue, or other public streets.
9. During construction of the project, the developer shall notify the neighboring property owners of a contact name and telephone number which shall be answered 24 hours a day, 7 days a week regarding disturbances from the construction.
10. The project including, without limitation, all improvements to be located thereon shall be conditioned upon and developed in accordance with the site plan submitted by the applicant entitled "Site Plan for 2520 Peachtree Road" prepared by Rule Joy Trammell Rubio LLC and dated 06/20/2007 and last revised July 5, 2007. Building and parking structure footprints, driveway locations, sidewalks, and open space shall be in accordance with said site plan. Deviations from the site plan will be permitted to the extent required by government agencies, including GDOT. Fences, pavilions, and frontal visitor parking locations may vary to the extent that they do not conflict with conditions contained herein.
11. The five (5) hardwood trees located between the existing 2520 Peachtree Road building, the existing concrete walkway, Peachtree Road, and the southern property line shall be protected and preserved. In this area no grading (cut or fill) or trenching shall occur or be permitted. The fifty eight (58) inch caliper oak located between the existing 2520 Peachtree Road building and the south lot line shall similarly be protected and preserved.



2-07-56

City Council
Atlanta, Georgia

07-0 -1122

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BY: ZONING COMMITTEE

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Date Filed: 5-7-07

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SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **2520 and 2544 Peachtree Road, N.E.**, be changed from the RG-3 (Residential General-Sector 3) District to the RG-4 (Residential General-Sector 4) District, to wit:

ALL THAT TRACT or parcel of land lying and being Land Lot 112, 17th District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

May 2 2007

LEGAL DESCRIPTION

Rezoning: 2520 & 2544 Peachtree Road NW

From: RG-3

To: RG-4

All that tract or parcel of land lying and being in Land Lot 112 of the 17th District, City of Atlanta, Fulton County, Georgia, known as Lots 9, 10 & 11, Block 11 of Peachtree Heights Park Subdivision, and being more particularly described as follows:

Commencing at a 2 inch open top found at the intersection of the southerly right of way of Muscogee Avenue (having a 50 foot right of way width) with the westerly right of way of Peachtree Road (having an 80 foot right of way width); thence proceeding along the westerly right of way of Peachtree Road, South 00 degrees 05 minutes 10 seconds East a distance of 99.80 feet to a 2 inch open top found being the **Point of Beginning**; thence from said **Point of Beginning** as thus established, continuing along the westerly right of way of Peachtree Road the following courses and distances: South 00 degrees 29 minutes 11 seconds East, a distance of 100.03 feet to a 2 inch open top found, and South 00 Degrees 23 Minutes 27 Seconds West, a distance of 199.60 feet to a 3/4" open top found; thence leaving said right of way, North 89 Degrees 44 Minutes 43 Seconds West, a distance of 401.94 feet to a 3/4" crimp top found; thence proceeding North 00 Degrees 23 Minutes 50 Seconds East, a distance of 200.19 feet to a 3/4" open top found; thence North 00 degrees 21 minutes 53 seconds East, a distance of 100.16 feet to a 1/2 inch rebar found; thence South 89 degrees 38 minutes 28 seconds East, a distance of 400.43 feet to a 2 inch open top found on the westerly right of way of Peachtree Road being the **Point of Beginning**.

Said described tract containing 2.76 Acres.

The above described property is shown on an Alta/Acsn Land Title Survey For: Boss Properties, LLC & Chicago Title Insurance Company as Tracts 1 & 2 containing 2.76 Acres prepared by Travis Pruitt and Associates, Inc., dated March 30, 2007.

Z-07-56

RECEIVED
MAY 2 2007
BUREAU OF
PLANNING

Z-07-56

